

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

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|-----------------------|---|---------------------------|
| AKEEM GUMBS, | : | CIV. NO. 23-3257 (RMB) |
| | : | |
| Petitioner | : | |
| v. | : | MEMORANDUM OPINION |
| | : | |
| WARDEN, FCI FORT DIX, | : | |
| | : | |
| | : | |
| Respondent | : | |

IT APPEARING THAT:

1. On or about June 13, 2023, Petitioner Akeem Gumbs, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. (Dkt. No. 1.) Petitioner challenges his judgment and conviction, allegedly on December 4, 2022, based on lack of jurisdiction in the U.S. District Court, District of the Virgin Islands, Case No. 3:11-mj-00031. (Docket No. 1.)

2. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, applicable to cases filed under 28 U.S.C. § 2241 under Rule 1, scope of the rules, a judge must promptly examine a habeas petition, and “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.”

3. This Court takes judicial notice, pursuant to Federal Rule of Evidence 201(b), of the docket in *U.S. v. Gumbs*, 3:11-mj-00031-RAM-RM (D.V.I.)¹ On November 4, 2012, the Honorable Curtis V. Gomez, Chief Judge, granted the Government's motion to dismiss the information filed in that matter. (Dkt. No. 38.) There is no judgment of conviction in that matter for Petitioner to challenge in a petition for writ of habeas corpus under 28 U.S.C. § 2241.² Moreover, the presumptive means to challenge a conviction is under 28 U.S.C. § 2255 in the sentencing court, and any further challenges are limited by § 2255(h)(3). *See generally Jones v. Hendrix*, 599 U.S. 465 (2023). Therefore, the Court will dismiss the petition for lack of jurisdiction.

An accompanying Order follows.

DATE: **October 11, 2023**

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge

¹ Available at www.pacer.gov.

² This Court also takes judicial notice of *U.S. v. Gumbs*, 3:11-cr-00021-RAM-RM-1 (D.V.I.), where, on October 29, 2012, Petitioner was convicted and sentenced to a 300-month term of imprisonment on Counts 1-6 of the indictment, followed by a 20-year term of imprisonment on Counts 8-28 and 31.) (Dkt. Nos. 103-6.) Petitioner's motion to vacate his conviction and sentence under 28 U.S.C. § 2255 was denied on February 18, 2017. (Dkt. No. 186.) On February 28, 2019, the sentencing court dismissed several second or successive § 2255 motions filed by Petitioner. (Dkt. No. 283.) Petitioner continued to file many more motions, which resulted in the sentencing court issuing a preclusion order on February 2, 2023, precluding Petitioner from filing any type of challenge to his criminal conviction without first obtaining permission from the court. (Dkt. No. 454.)